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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA

) Case No.

2007 OCT 16 AM 9:52
'07 MJ 2466

) VS

SOUTHERN DISTRICT COURT
OF CALIFORNIA

) FRANK MOLINA

) COMPLAINT FOR VIOLATION OF
21 U.S.C. Sections 952 & 960, DEPUTY
Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT 1

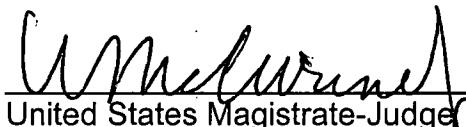
That on or about October 15, 2007, within the Southern District of California, Frank MOLINA did knowingly and intentionally import approximately 66.90 kilograms of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Carlos Puentes, Special Agent

U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 16th day of October 2007.


United States Magistrate-Judge

PROBABLE CAUSE STATEMENT

I, Special Agent Carlos Puentes declare under penalty of perjury, the following is true and correct.

On October 15, 2007, at approximately 4:15 AM, Frank MOLINA presented himself for entry into the United States from Mexico, at the San Ysidro, CALIFORNIA Port of Entry (POE), lane # 6, as the driver and sole occupant of a white 2000 Hyundai Sonata bearing Baja California license plate number BBY4254.

CBP Officer Duke was assigned to lane # 6 at the San Ysidro POE. CBP Officer Duke obtained two negative Customs declarations from MOLINA. MOLINA told CBPO Duke that the Hyundai Sonata belonged to his wife, but that his wife's name was not listed on the registration. MOLINA told CBPO Duke that he had owned the vehicle for two months. During CBP Officer Duke's inspection of the vehicle, he noticed a non-factory compartment underneath the rear seat. MOLINA and the vehicle were escorted into the secondary lot for further inspection. A search of the vehicle revealed 66.90 kilograms of marijuana concealed within the front floorboard and rear seat of the vehicle.

Post-Miranda, MOLINA admitted knowledge of marijuana concealed within the vehicle. MOLINA stated that he was getting paid \$1000 USD and was going to be given the Hyundai Sonata as payment to smuggle the marijuana into the United States from Mexico. MOLINA stated that he picked up the vehicle in Colonia Libertad, Tijuana, Mexico from a man named Sergio ALEXIS. ALEXIS told MOLINA to drive the Hyundai Sonata through the San Ysidro POE using the

lanes next to the Sentri lane. MOLINA was instructed to drive the Hyundai Sonata to the Denny's parking lot on 24th street in National City, CA. MOLINA stated that a man named Francisco ALEXIS was going to pick him up at the Denny's Parking lot and drive him to the border so that MOLINA could return to Mexico. MOLINA was told that he was going to get paid for the smuggling act, once he returned back to Tijuana, Mexico.

MOLINA was arrested and transported to the Metropolitan Correctional Center, San Diego, CA, for custody and judicial proceedings.



Carlos Puentes, Special Agent, U.S. ICE



**WILLIAM McCURINE, JR.
U.S. MAGISTRATE JUDGE**